

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner's indication of the allowability of the subject matter of claims 3, 6-8, 15 and 18-20 is respectfully acknowledged. These claims, however, have not been rewritten in independent form at this time since, as set forth in detail hereinbelow, it is respectfully submitted that their respective parent claims, as amended, now also recite allowable subject matter.

THE CLAIMS

Claims 1, 5-11, 13 and 17-23 have been amended to make some minor grammatical improvements and to correct some minor antecedent basis problems so as to put them in better form for issuance in a U.S. patent. The informalities pointed out by the Examiner in claims 6, 7, 18 and 19 have been corrected.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

It is respectfully submitted, moreover, that the amendments to the claims are not related to patentability, and do not narrow

the scope of the claims either literally or under the doctrine of equivalents.

THE PRIOR ART REJECTION

Claims 1, 2, 4, 5, 9-14, 16, 17 and 21-24 were rejected under 35 USC 103 as being obvious in view of the combination of USP 6,908,167 ("Kitami et al") and USP 6,174,038 ("Nakazawa et al").

Kitami et al has a U.S. filing date of July 28, 2003, which is before the U.S. filing date of February 4, 2004, of the present application. However, Kitami et al was published on February 5, 2004 and issued as a patent on June 21, 2005, and therefore was published after the filing of the present application. Accordingly, as recognized by the Examiner, Kitami et al can only potentially qualify as a reference against the present application under 35 USC 102(e).

It is respectfully pointed out, however, that the present application and Kitami et al were commonly owned at the time the present invention was made and that Kitami et al is therefore not a proper prior art reference against the present application under 35 USC 103(c).

In addition, it is respectfully pointed out that the inventorship the present application and the inventorship of Kitami et al is exactly the same. Accordingly, it is

respectfully submitted that Kitami et al is not a patent for an invention "by another" and that Kitami et al does not qualify as a proper prior art reference against the present application under 35 USC 102(e).

In view of the foregoing, it is respectfully requested that the rejection in view of Kitami et al be withdrawn.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

/Douglas Holtz/

Douglas Holtz
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.
220 Fifth Avenue - 16th Floor
New York, New York 10001-7708
Tel. No. (212) 319-4900
Fax No. (212) 319-5101

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